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No. 64

In the

Supreme Court of the United States

OCTOBER TERM, 1967

UNITED ARTISTS CORPORATION,
Appellant,

v.

CITY OF DALLAS,
Appellee.

OBJECTION TO THE MOTION OF AMERICAN CIVIL LIBERTIES UNION, NEW YORK CIVIL LIBERTIES UNION AND TEXAS CIVIL LIBERTIES UNION AND THE AUTHORS LEAGUE OF AMERICA, INC., FOR LEAVE TO FILE BRIEFS AMICI CURIAE

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WARLICK PRESS, INC.—P. O. BOX 10543—2263 VALDINA STREET—DALLAS—ME 1-3130

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The City of Dallas as Appellee did withhold its consent to the American Civil Liberties Union and its New York and Texas affiliates, and to the Authors League of America, Inc., to file briefs Amici Curiae in this cause. This was done under the Rules of the Supreme Court of the United States which were adopted June 12, 1967, to become effective October 2, 1967. The gist of these rules is, and particularly of Rule 42, that the purpose of brief amicus curiae is to:

> "* * * set forth facts or questions of law that have not been, or reasons for believing that they will not

adequately be, presented by the parties, and their relevancy to the disposition of the case; * * *"

The Appellant United Artists Corporation, in Cause No. 64, and the Appellant Interstate Circuit, Inc., in the companion Cause No. 56, have each been and are represented by competent counsel. They have raised, analyzed and urged upon the Court the Constitutional questions that are presented by the case. They have carefully and painstakingly analyzed the decisions of the Court and applied them to this case. It is to be noted that none of the movants in their motions comply with Rule 42 of the Rules of the Supreme Court of the United States in that they do not state any reasons for believing that the Constitutional questions will not "adequately be presented by the parties," and therefore have shown no reason for being in the case other than the fact that they are interested in the decision. If the Court allows every party interested in the decision to file a brief amicus curiae, the burden would be without end.

In conclusion, the Appellee has withheld its consent because:

(1) There has been no showing that the Constitutional questions are not adequately presented by counsel before the Court.

(2) There has been no showing of any new Constitutional question sought to be raised by the movants.

(3) The interest of the movants is no greater than that of the public at large and of many other organizations.

(4) To allow the filing of the briefs will do nothing but clutter the record and add nothing to the Court's opinion.

For these reasons, the Appellee believes that the views of these organizations will be of no assistance to the Court and renews its objection to the filing of their briefs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of this Objection to Motion of Amici Curiae has been served upon Mr. Dan McElroy and Mr. Paul Carrington, attorneys for Appellant-Intervenor, United Artists Corporation, by delivering same to them in their offices located at 1900 Mercantile Dallas Building, Dallas, Texas, and to Mr. Grover Hartt, Jr., and Mr. Edwin Tobolowsky, attorneys for Appellant, Interstate Circuit, Inc., by delivering the same to them at their offices located at 3525 Southland Center, Dallas, Texas; and to Mr. Irwin Karp, 120 Broadway, New York, New York, 10005, Attorney for The

Authors League of America, Inc., Amicus Curiae, by depositing same in the United States Mail; and to Mr. Osmond K. Frankel, 120 Broadway, New York, N. Y., 10005; Mr. Edward J. Ennis, 8 West 40th Street, New York, N. Y. 10018; Mr. Melvin L. Wulf and Mr. Alan H. Levine, 156 Fifth Avenue, New York, N. Y. 10010, and Mr. Fred O. Weldon, Jr., 1601 National Bankers Life Building Dallas, Texas, 75201, Attorneys for Amici Curiae, The American Civil Liberties Union, New York Civil Liberties Union, and Texas Civil Liberties Union, by depositing same in the United States Mail.

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